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ABSTRACT

This report examines why the child support system breaks down for so many low-income families, presenting information from interviews with unmarried mothers and fathers nationwide. Four chapters focus on: (1) "Introduction" (child support policy in California and nationwide); (2) "The National and California Child Support Systems" (California's system involves: opening child support cases, locating noncustodial parents, establishing paternity, establishing support orders, enforcing support orders, and modifying support orders and treatment of past-due support payments); (3) "Effects on Low-Income Parents" (deadbeat dads and responsible fathers, financial disincentives created by assigning child support rights to the state, responses to financial disincentives, family conflicts created by mandatory cooperation, formal payments versus direct or in-kind payments, responses to mandatory cash support, problems created by enforcement practices, and problems with the modification process); and (4) "Conclusions and Policy Options" (general changes such as raising the pass-through and establishing child support assurance, and specific changes such as setting awards as a realistic percentage of the noncustodial parent's income, forgiving or limiting arrearage, and recognizing informal support). (Contains 38 references.) (SM)

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Child Support and Low-Income Families: Perceptions, Practices, and Policy

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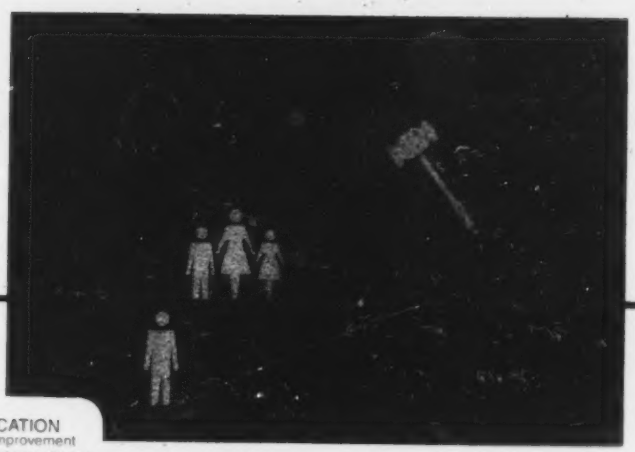
Maureen Waller
Robert Plotnick



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David W. Lyon is founding President and Chief Executive Officer of PPIC. David A. Coulter is Chairman of the Board of Directors.

PUBLIC POLICY INSTITUTE OF CALIFORNIA
500 Washington Street, Suite 800
San Francisco, California 94111
Telephone: (415) 291–4400
Fax: (415) 291–4401
Internet: info@ppic.org
www.ppic.org

Child Support and Low-Income Families: Perceptions, Practices, and Policy

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Maureen Waller
Robert Plotnick

1999

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Foreword

On January 1, 2000, the State of California will launch a brand new agency called the Department of Child Support Services. For the first time in the long and troubled history of child support enforcement, all functions will be consolidated under one umbrella organization. By breaking with past program management, the governor and state legislature have recognized the dramatic rise in single-parent households as a key public policy issue facing the state and the nation. Whether the single-agency approach proves to be successful, concern for the well-being of children raised in these households has emerged as the centerpiece of modern social policy.

Maureen Waller and Robert Plotnick have taken a close look at the effects of tighter child support enforcement on poor families in particular. The result of their effort, *Child Support and Low-Income Families: Perceptions, Practices, and Policy*, finds complications on two fronts. First, families with welfare benefits provided under the Temporary Assistance for Needy Families (TANF) program have few if

any incentives to comply with certain child support regulations. Because cash contributions from noncustodial parents (usually fathers) go to the state government to offset welfare costs, many fathers either ignore the regulations or make minimal efforts to comply, preferring instead to offer in-kind support directly to mothers and children.

The second complication concerns enforcement. Ignoring child support regulations results in sanctions against fathers that make them even worse off financially. Any penalty that discourages or prevents low-income fathers from working in the formal sector, for however brief a period, can only compound the financial difficulties of their families.

The authors conclude that tougher enforcement practices are unlikely to help these families and that a range of new policy options should be considered. Many of these options focus on the incentives facing noncustodial parents. Parents need to benefit somehow from full compliance with child support regulations, and the report discusses a series of specific changes to accomplish this objective.

Now that single parents head more than one-quarter of California's families, child support policy will be a priority for years to come. After surveying numerous studies from locations across the nation, the authors conclude that the going will not be easy. One implication of their work is that observers should guard against unreasonable expectations for the state's new Department of Child Support Services. We hope that this PPIC report on some of the issues facing the department will help set the course for formulation of new policies.

David W. Lyon
President and CEO
Public Policy Institute of California

Summary

Child support has become a critical policy concern in California. Single parents now head more than one-quarter of the state's families, and over three million children in California are eligible for child support from noncustodial parents. California's child support policies seek to ensure that these noncustodial parents contribute to the financial support of their children. These policies serve several important goals: reducing poverty and financial insecurity among children and custodial parents, preventing single-parent families from entering the welfare system, helping families leave the system quickly, and reducing public spending on welfare. These policies also affirm the widely held belief that parents are obligated to support their children financially.

Despite a series of major policy reforms over the last quarter century, California's child support system is still widely criticized. Spotty enforcement, for example, has compromised the economic security of many single-parent families, especially families headed by never-married women. Moreover, the system has done little to reduce welfare

spending. These and other shortcomings have spurred numerous proposals for further policy reform and administrative improvement.

This study seeks to answer a pressing question: Why does the child support system break down for so many low-income parents? Our answer proceeds from several observations based on case study research. First, child support laws generally presume families with divorced fathers working full time. This presumption does not match the experiences of many low-income parents, however, and the mismatch makes their compliance less likely. Enforcement practices often create the impression that child support regulations are unfair, counterproductive, or punitive. As a result, many low-income parents prefer private, informal arrangements to full compliance with child support rules. Although these parents generally endorse the concept of child support, their preference for informal arrangements helps to explain the state's weak enforcement record.

The Child Support System and Its Effects

Under current federal law, states are responsible for locating noncustodial parents, establishing paternity and child support orders, and enforcing these orders. In the past, the state delegated most of these responsibilities to the 58 county district attorney offices, each of which operated a Family Support Division. The child support process includes six major steps: opening a case, locating the noncustodial parent, establishing paternity, establishing a support order, enforcing an order, and modifying an order.

When a custodial parent applies for and receives benefits from Temporary Assistance for Needy Families (TANF), the Family Support Division (now the Department of Child Support Services) automatically

opens a TANF child support case. TANF recipients must cooperate with the state in locating the noncustodial parent, establishing paternity, and obtaining support payments. Custodial parents, usually mothers, must also assign their rights to all child, spousal, or medical support to the state up to the amount of aid received. TANF families may keep no more than the first $50 of the noncustodial parent's monthly child support payment. The remainder goes toward reimbursing the government for TANF payments. Noncustodial parents, usually fathers, receive no credit for in-kind payments (such as clothes, food, school supplies, or toys) made directly to custodial parents.

Interviews with low-income parents indicate that welfare and child support regulations often interact to create adverse effects for their families, finances, and relationships. Many parents object to signing over their rights to child support to the state. Parents point out that child support payments do not increase their children's standard of living. They also note that their needs are not met with the "pass-through," or the amount of monthly child support that they actually receive.

Parents respond in various ways to these perceived disincentives. Mothers who cooperate in establishing paternity often experience conflict with fathers. Many couples devise arrangements that allow their children to receive financial assistance from the noncustodial parent that would otherwise be paid to the state. Some mothers use the threat of child support enforcement to secure such informal contributions from uncooperative fathers. This practice also tends to create or exacerbate conflicts between parents. Finally, mothers sometimes decline to establish paternity and locate fathers on the grounds that contact with the fathers would be detrimental to their families.

Fathers generally favor informal support arrangements, including in-kind payments, but many mothers prefer these arrangements as well. In addition to believing that their children will benefit financially from informal support, parents describe strong emotional grounds for this preference. Many parents avoid participation in the formal system because they believe that child support enforcement undermines their efforts to establish cooperative parenting arrangements based on emotional commitments. Some mothers also worry that formal child support would reduce or eliminate the emotional involvement, guidance, and child care that fathers provide for their children, or that compulsory cash support would foster resentment and distrust toward them.

Attitudes Toward Enforcement

Low-income mothers often see the child support system as ineffective and unresponsive. They cite the difficulty of filing a claim, the state's inability or unwillingness to enforce orders, and the impersonal nature of the child support agency.

Interviews with fathers turn up two major objections to enforcement. The first is the system's inability to recognize or respond to their unstable economic circumstances. Fathers of children receiving welfare often lack steady employment and sufficient income to pay their child support orders. They object to high support payments, unmanageable arrears, retroactive support orders, and the system's refusal to consider current or past informal support provided directly to their children. These objections lead some fathers to ignore orders, accumulate substantial arrearages, quit their jobs, work in the underground economy, or pay just enough to avoid harassment or incarceration.

The second major problem cited by fathers is the practice of treating them as criminals when they fail to make payments. Fathers often believe that heightened enforcement practices ignore or even impede their efforts to support or be involved with their children. Others maintain that the system penalizes fathers indiscriminately. Moreover, they believe that the system is more likely to pursue fathers working in the regular economy than those who turn to the underground economy.

Exacerbating these problems is a general lack of familiarity with child support regulations among low-income fathers. Many do not realize that they are supposed to report changes in income and employment. Some are unaware that their child support orders can be modified downward or do not know how to arrange such modifications. Still others are distressed to discover that prior informal support, even when well documented, is not considered in cases of retroactive awards.

Policy Implications

The case study evidence indicates a mismatch between the goals of child support policy and the ways low-income parents experience the system. We draw three main conclusions from this evidence.

- Many low-income parents face social and economic realities such as low wages and unstable employment that make it difficult for them to comply with existing policies even when they wish to do so.
- Many parents prefer informal support arrangements, including in-kind contributions from the father, because they believe that these arrangements benefit their children and their families.
- Parents often do not comply with child support regulations that they perceive to be unfair, counterproductive, or punitive. Chief

among these regulations are the assignment of rights to the state, high or inflexible support payments, and the threat of imprisonment.

These conclusions suggest that the child support system would gain greater compliance and legitimacy if low-income parents saw the system as beneficial to their children and supportive of their efforts to negotiate economic agreements. A system of this kind, however, might conflict with the key objectives and political realities of current child support policy, most of which is based on the experiences of middle-class families. The policy challenge, then, is to fashion measures that increase compliance, adhere to consensus policy goals, and acknowledge the perceptions and efforts of low-income parents.

Policy Options

One policy option is for the state to pass through all of the money collected from noncustodial parents and to disregard this income when calculating welfare benefits. The case studies suggest that this policy would encourage greater compliance. A related option is to set higher pass-through payments, which would also reduce the incentive to engage in under-the-table payments. These policies, however, would have little effect on fathers who wish to provide direct support, either for symbolic reasons or to exert greater control over expenditures. They would also represent a shift in emphasis in the state's approach to child support. Instead of recouping TANF costs from noncustodial parents, child support enforcement would focus on transferring private income to improve the material well-being of low-income custodial parents and their children.

The state and federal governments could also supplement or subsidize formal payments by fathers to reward effort. For example, fathers could be allowed to file for the Earned Income Tax Credit even if they did not live with their children. Similarly, the state could match support payments made by low-income fathers, gradually phasing out supplementary funds at higher levels of income. These measures would probably increase the cost of the child support program. Child support assurance programs would help stabilize the incomes of single-parent families by guaranteeing a minimum child support payment. Such programs, however, could decrease fathers' incentives to make formal child support payments.

Another option is to support programs aimed at increasing both the earnings of noncustodial fathers and their involvement with their children. Current programs include employment and training services, peer support sessions dealing with paternal responsibility and parenting arrangements, and educating fathers on the child support system. The increased interest, political support, and funding these programs have generated reflect the growing recognition that strengthening the economic security of low-income families depends on helping fathers as well as mothers.

Establishing lower and more flexible child support payments for low-income fathers would encourage compliance and minimize overwhelming arrearages. Our interviews suggest that noncustodial fathers would be more willing and better able to maintain support if payments could be adjusted quickly to reflect changes in income. Lower and more flexible payments would also reduce the threat of imprisonment. This option, however, might encourage fathers to reduce their support obligations by working less or shifting part or all of their

work to the informal sector. Administering a system with this degree of flexibility may also prove difficult.

For fathers who have accumulated large arrearages, a one-time amnesty, contingent on future compliance, could be offered. This option would create greater incentives to comply with child support regulations in the future. Another policy option is to limit the size of arrears, thus diminishing the need for amnesty. The main objections to arrearage amnesty and limits are the possible loss of revenues to the state, the perception that such measures are unfair to compliant fathers, and the possibility that fathers will shirk payments knowing that these measures will reduce their cumulative support obligations.

Courts could also give greater weight to informal and in-kind contributions. If such contributions were well documented, they could be used to offset arrearages accrued before the establishment of a formal order or to determine a current order. This sort of consideration might also encourage parental co-residence and promote child well-being. One potential problem with retroactive credit is that mothers who did not report these sources of income could face charges of welfare fraud. Another is that fathers paying off-the-record would be encouraged to delay establishing paternity. (Should paternity be established later, fathers could demonstrate past payments and face smaller arrearages). A third problem is the difficulty and expense of adjudicating claims of prior off-the-record support.

The challenge for California's policymakers is to develop policies that honor the broad public interest in effective enforcement *and* take into account predictable perceptions and social constraints that hinder compliance.

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1. Introduction

The high incidence of divorce and nonmarital childbearing in the United States means that at least half the children born today will live in a single-parent family. In California, single parents head more than one out of four families with children (Annie E. Casey Foundation, 1998), and over three million children are currently eligible for child support from a noncustodial parent.

Child support policy in California, as elsewhere in the United States, seeks to ensure that parents who live apart from their children contribute to their financial support. This objective serves several important public policy goals. First, it reduces poverty and financial insecurity among children and their custodial parents. Second, it can prevent single-parent families from entering the welfare system as well as help families on welfare leave more quickly by substituting private income for public assistance. Third, it reduces welfare costs. Finally, it affirms the widely held belief that parents are obligated to support their children financially.

Over the past quarter century, a series of major policy reforms has been implemented in pursuit of these goals. Although these reforms have improved enforcement, the child support system in California and most other states is still widely criticized for poor performance. In 1996, California agencies failed to locate 38 percent of all noncustodial parents, compared to a failure rate of 27 percent for the rest of the country (Office of Child Support Enforcement, 1998, Tables 35, 41). Paternity, or legal fatherhood, is established in less than half of all nonmarital births in California and the rest of the nation. In 1993, only 59 percent of custodial mothers nationwide had a child support order, a figure that has remained nearly constant since 1978. For never-married mothers, the chances of having an order are much lower. Of parents with orders in 1993, 61 percent actually received payments, and only 30 percent received full payment. Of the total child support due, 38 percent was not received (Committee on Ways and Means, 1998, pp. 605, 608; Office of Child Support Enforcement, 1998, Tables 32, 33). In 1996, California had support orders for only 46 percent of eligible families, a record 22 percent below the national average.

The spotty record of enforcement in California and most other states has compromised the economic security of many single-parent families, especially families headed by never-married women, and has done little to reduce the need for welfare spending. These and other shortcomings spurred numerous proposals for further reform and administrative improvement. Among the most noteworthy was the Little Hoover Commission's 1997 report, *Enforcing Child Support: Parental Duty, Public Priority.* A California State Auditor's Report (1999) also pointed to the need for change, characterizing the California child support enforcement program as "disjointed, complicated, and lacking in

leadership." With the enactment of 1999 legislation creating the Department of Child Support Services, the state now has an opportunity to review why the system has been especially ineffective in helping low-income families.[1]

This report seeks to understand why the child support system breaks down for these families. It does so by synthesizing findings from recent studies on how child support regulations affect parents, children, relationships, and attitudes toward compliance. Child support legislation was developed mainly for families with divorced fathers working full time (Sorensen and Lerman, 1997).[2] The studies also indicate that procedures and regulations based on this model often clash with the social and economic realities of many low-income parents. In particular, child support and welfare regulations interact in ways that make compliance less likely.

The reluctance of low-income parents to comply fully with the child support system helps explain the state's weak enforcement record. Low-income parents generally endorse the concept of child support and believe that there are circumstances in which participation in the formal system is appropriate. However, many such parents prefer private, informal agreements for support and do not always comply with child support regulations that they perceive to be unfair, counterproductive, or punitive. These perceptions are consistent across research sites and provide significant insights into the difficulties parents experience with

---

[1]Before passage of the 1999 legislation, members described the system as "terribly broken" and commented that "everything is on the table" (Hoge, 1999, p. A9) and that "it is clear we have an unprecedented concurrence" for action (Krikorian and Riccardi, 1999, p. A3).

[2]Because the noncustodial parent is male in the overwhelming majority of cases (86 percent in 1991 according to U.S. Bureau of the Census, 1995, p. 3), we use gender-specific language in the remainder of the report.

the child support system. These insights, in turn, can help California's policymakers design policies that honor the public interest in enforcement *and* the social realities that shape low-income parents' responses to the current system.

Two caveats are in order. First, these studies document the most common responses to the child support system rather than the entire range of responses. Some low-income parents (particularly women) report willing participation in the child support system and prefer formal support agreements. This response is particularly prevalent if parents cannot establish a cooperative parenting agreement (Achatz and MacAllum, 1994; Waller, 1996). Second, most of the case study research reviewed in this report was not conducted in California, and the results should therefore be interpreted with caution. Nevertheless, the findings are consistent across research sites, and California faces many of the same policy challenges as other states. A detailed knowledge of low-income parents' responses to the child support system might be helpful in guiding the state's future policy decisions.

To set this analysis in its policy context, Chapter Two offers an overview of the national child support system and a brief description of California's procedures and regulations. After reviewing and synthesizing findings from related studies, Chapter Three documents both the objections many low-income parents have to the current system and the strategies some parents have developed to accommodate it. Finally, Chapter Four brings this evidence to bear on policy reforms that have been implemented recently or are currently under discussion in California.

2. The National and California Child Support Systems

The modern era of child support policy began in 1975 with the Title IV, Part D, Amendment to the Social Security Act. This landmark law established a partnership between federal and state governments that remains the basis of child support policy. The IV-D program created the federal Office of Child Support Enforcement to provide national leadership and assistance in developing and managing child support policy. The states retained responsibility for finding noncustodial parents, establishing paternity, and establishing and enforcing legal child support orders. To qualify for federal welfare funds, states were required to implement child support programs that met federal standards. In turn, the federal government paid most of the state's administrative costs for enforcement (Sorensen and Turner, 1997).

Although child support had been left largely to the states, major federal involvement grew out of social and demographic changes that gained momentum during the 1960s and have continued through the

1990s. A sustained increase in divorce and nonmarital childbearing led to a rapid growth in the portion of children living in one-parent (mostly mother-only) families. Because many of these families require public assistance, widespread concern has developed about the adverse consequences for children of growing up in these circumstances.[1] A better child support system has come to be viewed as an important part of a national strategy for reducing poverty and welfare use among families with children.

Although broad social developments provided one impetus for better child support policy, the internal workings of the child support system generated demands for reform as well. Before the IV-D legislation, local judges largely determined whether a noncustodial parent would be required to pay support, the amount of the award, whether the amount would be modified, and how child support obligations would be enforced. In most cases, custodial parents bore the burden of collecting overdue support themselves. Because of such broad local discretion, many parents eligible for child support did not have awards. Award amounts varied widely among noncustodial parents in similar economic circumstances and were infrequently updated. Enforcement was uneven and evasion of support obligations widespread. Heavy reliance on the courts was costly and time-consuming and frequently created or

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[1]Three social factors have mainly been responsible for the high poverty and welfare use of mother-only families. Single mothers have often found it difficult to work full time because of their care-giving role, especially when they have preschool-age children. Many of them have had to accept low-wage jobs because of poor education, lack of work experience, and sex discrimination in the labor market. And noncustodial fathers have often ignored their obligations to help support their children and state agencies did not adequately establish and enforce child support orders (Garfinkel and McLanahan, 1994). Duncan and Brooks-Gunn (1997) provide an excellent review of the consequences for children of being raised in poverty.

deepened adversarial relationships between parents.[2] Partly in response to these problems, a major goal of federal policy has been to standardize and rationalize the child support system. Since 1975, child support legislation has increasingly sought to reduce administrative discretion, improve equity and compliance, and coordinate enforcement efforts across states.

Congress has revisited child support policy several times since 1975.[3] The Child Support Enforcement Amendments of 1984 required that states adopt expedited procedures for establishing paternity and support orders, developing guidelines for setting support levels, establishing income withholding and other means of ensuring compliance, and offering enforcement services to nonwelfare families. The Amendments also required that states allow families to keep the first $50 of child support per month on top of their Aid to Families with Dependent Children (AFDC) grants.[4] The Family Support Act of 1988 strengthened the 1984 amendments by requiring automatic wage withholding in all cases, the use of guidelines for establishing support orders, state adherence to federal standards for paternity establishment, and statewide automated tracking of cases by October 1995. In the 1993 Omnibus Budget Reconciliation Act, Congress required that states develop a simple administrative process for unmarried fathers to acknowledge paternity voluntarily and to make the process available in

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[2]For analysis and critique of the traditional child support system, see Garfinkel (1992).

[3]A summary of federal child support legislation and of current national policy and administrative procedures is in Committee on Ways and Means (1998, Section 8). Other information is available from the federal Office of Child Support Enforcement web site: http://www.acf.dhhs.gov/programs/cse.

[4]The increase in cash income of $50 is partly offset by reductions in food stamp benefits and housing subsidies.

hospitals so that unmarried parents could conveniently declare paternity at the time of their child's birth. Congress also increased the percentage of children for whom the states must establish paternity.

Best known for its dramatic changes in welfare policy, the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 also reformed child support enforcement. It included several measures to improve paternity establishment and required that states increase automation of support enforcement. Specifically, states were required to set up a central registry of all IV-D support orders and any order issued or changed after October 1998; a centralized, automated unit for collection and disbursement of payments; and a directory to which employers must report information on new employees. This information was to be used to create a Federal Case Registry and National Directory of New Hires to track parents across state lines. PRWORA also required that states enact the Uniform Interstate Family Support Act (which clarifies interstate jurisdictional issues), tougher penalties for delinquent payment, and provisions to further expedite the enforcement process.

Although most federal legislation targeted civil processes of child support enforcement, the Child Support Recovery Act of 1992 also created federal criminal penalties for willful failure to pay past-due support to a child residing in another state. To toughen this law and punish egregious child support evaders, the Deadbeat Parents Punishment Act of 1998 created two new categories of federal felonies with penalties of up to two years in prison.

How California's System Works

Today's child support system involves a close partnership between the federal and state governments. The federal government reviews, approves, monitors, evaluates, and audits state programs. It also provides technical assistance and helps states locate noncustodial parents and collect support payments. State governments set specific policy parameters, choose options consistent with federal requirements, and assume principal responsibility for administering the program.

Until this year, California's Family Support Division has been responsible for administering, supervising, and monitoring the IV-D program. Most of the day-to-day operations have been delegated to the 58 county district attorney offices, each of which operated a Family Support Division (FSD) to fulfill its IV-D responsibilities. Legislation enacted in 1999, however, will change the administrative structure of the state system dramatically.[5] That legislation removes child support responsibilities from the district attorneys and places most of them in a new Department of Child Support Services, which will operate offices in each county. More responsibility for collecting delinquent payments may be assigned to the Franchise Tax Board. This new system will continue to follow a six-step process:

- Opening child support cases,
- Locating noncustodial parents,
- Establishing paternity,
- Establishing child support orders,

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[5]Important precursors of the legislation were the reports and recommendations of the Little Hoover Commission (1997) and the California State Auditor (1999).

- Enforcing support orders, and
- Modifying support orders.

Opening Child Support Cases

When a custodial parent applies for and receives benefits from Temporary Assistance for Needy Families (TANF), the FSD (or its successor agency) must automatically open a TANF child support case.[6] A parent who is not receiving TANF may request child support services from the FSD as well. If this request is made, the FSD (or its successor) must open a non-TANF case and provide the same services as it does for TANF cases.[7]

Special rules apply when TANF cases are opened. First, TANF recipients must cooperate with the state in locating noncustodial parents, establishing paternity, and obtaining support payments. Cooperation is defined as supplying the father's name and other identifying information, complying with blood or genetic testing, and appearing at court proceedings. Failure to cooperate in establishing paternity will result in at least a 25 percent reduction in aid and could lead to removal from the TANF rolls.

Second, custodial parents must assign all rights to child, spousal, or medical support to the state up to the amount of aid received. This includes all current and past-due support and continues as long as a family is receiving TANF. If applicants refuse to assign their rights, TANF grant and Medicaid benefits for the parents are dropped. In such

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[6]A "good cause exception" can be approved in "the best interests of the child." Though rare, in such instances a child support case will not be opened.

[7]In 1996 (before TANF), about 32 percent of California's cases and 48 percent of the nation's were non-AFDC (Office of Child Support Enforcement, 1998, Table 32).

cases, the children receive smaller TANF grants and Medicaid benefits, and the checks are sent to payees rather than to custodial parents.

Third, TANF families may keep no more than the first $50 of monthly child support payments. The remainder goes toward reimbursing the government for TANF payments and does not help increase the family's standard of living. Although the 1996 reforms allow states to modify the $50 per month "pass-through" enacted in 1984, California has maintained it.[8]

Finally, TANF rules do not credit noncustodial parents for in-kind payments (such as diapers, clothes, food, school supplies, or toys) made directly to the custodial parent.

Locating Noncustodial Parents

When the Family Support Division opens cases, it asks custodial parents to help locate noncustodial parents. Such help might include providing the noncustodial parent's full name, addresses, telephone numbers, Social Security number, date of birth, mother's maiden name, current or previous places of employment, and names and addresses of friends or relatives.

The FSD may also obtain help from local sources such as telephone companies, current and past employers, landlords, motor vehicle registries, welfare, food stamps and social services offices, hospitals, banks, and local unions. If local sources provide insufficient information, FSD caseworkers may use the State Parent Locator Service and the registry for all newly hired employees. Under federal authority, caseworkers may also use the Federal Parent Locator Service, which

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[8]Thirty-three have completely rescinded it or will soon do so (Gallagher et al., 1998). A handful of states have increased the amount of pass-through.

compiles information from the Internal Revenue Service (IRS), the Social Security Administration, the Department of Defense, the Selective Service System, the Veterans Administration, the National Personnel Records Center, and all state employment security agencies. The federal service is particularly helpful when one parent lives outside California.

In 1996, California agency officials found 62 percent of noncustodial parents requiring location to establish support obligations. The corresponding figure for the rest of the country was 73 percent (Office of Child Support Enforcement, 1998, Tables 35, 41).

Establishing Paternity

Establishing paternity is a prerequisite for obtaining or enforcing support orders. When alleged fathers are located, the FSD brings them before a court or administrative agency where they can either acknowledge or dispute paternity. If they dispute paternity, blood and other scientific tests are requested. If the alleged fathers deny paternity despite contrary test results, the courts decide paternity based on the test results and testimony.

States also administer in-hospital, voluntary paternity programs to comply with federal legislation. California's Paternity Opportunity Program (POP) requires that hospitals, clinics, and birthing centers provide information about paternity establishment to unmarried parents. The program also provides the opportunity for the natural mother and man identified as the father to sign a "Declaration of Paternity." In fact, an unmarried father's name cannot appear on his child's birth certificate unless he has signed this.

In 1996, California established paternity for 183,424 children born nonmaritally, or more than six times the number in 1987. The number of paternities established as a percentage of nonmarital births came to 20.9 in 1987 but rose to 45.1 in 1994 (Committee on Ways and Means, 1998, pp. 648, 650). For many years, California trailed other states in establishing paternity, but this rapid improvement moved the state to the national average by 1994.

Establishing Support Orders

A support order legally requires the noncustodial parent to support his children financially and sets the weekly payment. In 1993, 60 percent of custodial mothers in the United States had a child support order, a figure that has remained nearly constant since 1978. For never-married mothers, the chances of having an order were only 44 percent (Committee on Ways and Means, 1998, pp. 605, 608).

To comply with federal laws aimed at rationalizing the procedures for setting awards and reducing judicial discretion, states use formal guidelines to establish the monetary obligation of each order.[9] California uses the "income shares" approach, which tries to ensure that children receive the same proportion of parental income they would receive if the parents lived together. California computes a "primary support obligation" by multiplying the parents' combined net disposable income by a percentage based on the number of children and other factors. The

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[9]Since 1988, the guidelines have been the "rebuttable presumption" in any legal proceeding. California, like all states, must seek to include medical support as part of a child support order whenever health care coverage is available to the noncustodial parent at a reasonable cost. States must review their guidelines at least once every four years.

resulting obligation is divided between the parents on the basis of their incomes, and the noncustodial father's share is the support order.[10]

As a result of California's formula, low-income fathers face some of the highest contribution rates in the nation. In 1997, for example, a noncustodial father of two with earnings of $500–$750 per month could plausibly have had a monthly support order equal to 40 to 45 percent of his income (Committee on Ways and Means, 1998, pp. 563–565).

Enforcing Support Orders

Until 1988, it was generally assumed that the noncustodial parent would make regular payments to the custodial parent or child support agency without the involvement of the child support enforcement agency. Only when the noncustodial parent did not pay would the agency move to withhold wages.

This approach, which allowed noncustodial parents to fall easily into arrears, was decisively altered by the Family Support Act. For all new or modified orders, it required immediate withholding starting in November 1990. It also required immediate withholding for all orders issued in 1994 or later, regardless of whether a parent had applied for child support agency services.[11] Employers must withhold wages sufficient to comply with the order, may collect a small administrative fee, and can be fined for acting against a noncustodial parent because of a withholding order. Increasingly stringent withholding led to a tripling of the amount of child support collected nationwide via this route between

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[10]Thirty-two other states also use the income share method. Details on California's income share formula are in Judicial Council of California (1998, Chapter 3).

[11]Federal law limits withholding to, depending on circumstances, no more than 50 to 65 percent of the absent parent's disposable income.

1989 and 1996 (Committee on Ways and Means, 1998, p. 572). Nonetheless, custodial parents do not receive nearly 40 percent of the child support due them (Committee on Ways and Means, 1998, p. 608).

States and the federal government use many other enforcement techniques as well. States may request that the IRS withhold past due support from a federal income tax refund. States can also intercept state income tax refunds and part of any unemployment compensation received by delinquent noncustodial parents. Other state techniques for collecting delinquent child support include imposing liens on noncustodial parents' property; restricting or suspending driver's, professional, and occupational licenses; hiring private collection agencies; and bringing criminal or civil cases against noncustodial parents who refuse to pay. Declaring bankruptcy cannot discharge child support obligations.

Modifying Support Orders and Treatment of Past-Due Support Payments

Under current law, reviewing and adjusting support orders periodically is no longer mandatory. However, if either parent asks for a review, or if the state asks that a welfare case be reviewed, the FSD must review support orders at least once every three years. California must also inform parents of their review and adjustment rights at least once every three years. If a review indicates grounds for adjustment, the state must make it.

The federal Bradley Amendment of 1986 has prohibited retroactive modification of past-due support payments in virtually all cases.[12] Past-

[12]For circumstances when the Bradley Amendment need not apply, see Roberts (1999).

due support payments cannot be forgiven in part or in full, even if the noncustodial parent was unemployed, in jail, or otherwise unable to earn income.

3. Effects on Low-Income Parents

As the figures in the previous chapter indicate, the child support system in California and elsewhere is often ineffective, especially for low-income families. To better understand this problem, researchers have interviewed low-income, unmarried parents about the child support system and how it affects their families, work, finances, relationships, and other aspects of their lives. These researchers often use qualitative, case study methods to study this population because many low-income, unmarried fathers are missing from national surveys. Some of these fathers are difficult to sample, and many do not acknowledge that they have children (Garfinkel et al., 1998). Qualitative studies also allow researchers to explore certain issues in greater depth than is possible through survey methods. This chapter synthesizes findings from this research.[1]

[1]We draw on Sorensen and Turner's (1997) review of barriers to participation in the child support system but expand on this analysis by documenting and incorporating all

Table 1 summarizes characteristics of the seven studies analyzed in this report. Each study examines the experiences of low-income, unmarried parents living in urban areas before PRWORA was passed.[2] Because PRWORA did not change the fundamental structure of the child support system, we believe that the problems and issues identified by parents in these studies remain salient. As Table 1 indicates, African-American parents represent the majority of respondents in each study. Sullivan (1992), Achatz and MacAllum (1994), Edin (1995), Johnson and Doolittle (1996), and Waller (1996) include white parents. Edin (1995) and Johnson and Doolittle (1996) also include a small number of Hispanic parents. This racial composition reflects the fact that a disproportionate number of African-American mothers are single parents.

Certain notable differences among the studies should be considered when interpreting their findings. First, the studies were conducted in different sites and may reflect differences in labor market conditions, child support enforcement practices, and other macro circumstances.[3] Second, although Furstenberg and Waller interview mothers and fathers, other studies focus primarily on the experiences of either men or women. Edin's sample consists of single mothers supplemented with the

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available qualitative evidence. We include findings from all studies that provide information on each issue. Studies not cited in our discussion of an issue did not address that issue.

[2]Although this research generally examines the experiences of parents who have had children outside of marriage, studies by Edin and by Johnson and Doolittle also document the responses of men and women who became unmarried parents following a divorce, and Furstenberg's sample includes one married couple.

[3]Sherwood, Sullivan, Furstenberg, and Waller primarily focus on one metropolitan area; Achatz and MacAllum, Edin, and Johnson and Doolittle interview parents in multiple cities and states.

Table 1

Characteristics of Studies Included in the Analysis

Characteristic or Method	Achatz & MacAllum	Edin	Furstenberg	Johnson & Doolittle	Sherwood	Sullivan	Waller
Location	FL, PA, WI	Boston, Chicago, Charleston, SC, San Antonio	Baltimore, MD	CA, FL, MA, MI, OH, NJ, TN	Grand Rapids, MI	New York City, NY	Trenton & New Brunswick, NJ, metro areas
Sample size	47	214	12	32	16	42	65
Date collected	1991–1993	1988–1992	1991	1994–1996	1991	1990, 1992	1994–1995
In-depth interviews	X	X	X	X			X
Focus groups			X	X	X	X	
Observation	X			X			
% women	0	100	75	0	0	0	55
% men	100	0	25	100	100	100	45
% white	11	44	0	24	50	26	38
% black	89	45	100	62	50	74	62
% Hispanic	0	11	0	14	0	0	0
Other notable sample characteristics	All respondents were unmarried fathers enrolled in a program to promote job and parenting skills	All respondents were receiving AFDC	Participants in Baltimore Study and some of their partners. Sample includes parents with differing relationships	All respondents had child support orders in place, were unemployed, and had children receiving AFDC; enrolled in Parents' Fair Share	All respondents had child support orders in place	About half of the white respondents were receiving methadone treatment	All respondents had children receiving AFDC or Medicaid who were born outside of marriage

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Furstenberg, Sullivan, and Sherwood findings about fathers; the other studies focus exclusively on noncustodial fathers. Third, each study includes respondents with children in the welfare system, although two studies (Sullivan, 1992; Furstenberg, 1992) also include interviews with low-income fathers whose children are not in the welfare system. Finally, most of the studies use data collected through interviews and supplemented with other information, but two (Sullivan and Sherwood) rely exclusively on focus groups.

Because qualitative methods trade off breadth for depth, these studies (with the exception of Edin) have fairly small samples. Also, none of the samples was randomly selected. Four studies used multiple techniques, including sampling through institution and personal networks, to generate diverse samples (Furstenberg, 1992; Sullivan, 1992; Edin, 1995; Waller, 1996). Three selected their respondents from programs designed for low-income fathers with child support obligations (Sherwood, 1992; Achatz and MacAllum, 1994; Johnson and Doolittle, 1996). Because the fathers in these programs had established paternity and experienced the child support system directly, their responses may differ from those of other low-income, nonresident fathers.[4] Similarly, other studies may include respondents with characteristics that differ from the general universe of low-income, unmarried parents.[5]

There is limited qualitative research on low-income parents' reactions to the child support system in California. Most of the research reviewed was therefore conducted in other states. Although some

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[4]About 48 percent of poor women with children did *not* have child support awards in 1993 (Committee on Ways and Means, 1998, p. 605). Therefore, many fathers of their children may not have direct experience with the child support system.

[5]See Garfinkel, McLanahan, and Hanson (1998) for a portrait of nonresident fathers' characteristics.

caution should be used in interpreting the results, similarities across research sites suggest that these studies can usefully inform policy decisions in California.

"Deadbeat Dads" and Responsible Fathers

Waller (1996) found that low-income, unmarried parents in New Jersey hold strong, collective beliefs about paternal responsibility and parenting practices. Fathers are expected to establish emotional bonds with their children, provide guidance, and act as role models. Parents also believe that fathers should provide whatever financial support they can. Although these parents typically endorse the principle of child support, many believe that formal child support is appropriate only when private agreements cannot be established or maintained or when fathers do not accept their responsibility voluntarily. Parents in ongoing romantic relationships typically do not believe that participation in formal child support is warranted, particularly if they are living together and sharing expenses. Most parents prefer informal agreements if low-income fathers participate actively in their children's lives and make an effort to contribute to their support (Waller, 1996).

These informal agreements may be difficult to sustain, however, especially when the romantic relationship ends and parents establish new unions. Mothers and fathers may also disagree about what constitutes a fair level of paternal involvement and support. Jacqueline,[6] a mother Waller interviewed, talks about some of the circumstances in which she believes child support should be pursued:

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[6]All names of parents cited in this report are pseudonyms.

> If my son's father was like a "deadbeat dad" I would say yeah, go to court. I think I would say go to court for child support if they're not willing to help you. If they're not willing to even be there. If like the mother and the father of the child were having a relationship and they just cannot get along, so the father doesn't do something for the child 'cause the father doesn't like the mother, I don't think that's fair to the child. If she has to go to court or he has to go to court for child support, then they should do it. 'Cause like with my son's father and I, if he didn't have the money and I needed something, I understood. 'Cause he was, you know, he was struggling. But at least if he would be there and come visit him. Just come over and take him for a walk to the park. Just have some type of participation in his life and that's it. But if they don't want to participate at all and just being jerks about it, then yeah, you should go to court.

Similarly, Ann does not want to pursue formal support from her boyfriend but firmly believes that the state should crack down on "deadbeat dads" like her own father, who offered no support to her mother when she was growing up. She considers child support the minimum a father can offer his child when he does not actively participate in their lives, saying, "I mean, if you're not spending time with your kid, at least give him something" (Waller, 1996).

As these examples suggest, parents distinguish between deadbeat dads and responsible fathers but do not believe that men who make formal child support payments are more responsible than those who provide informally.[7] For example, Larry says:

> A lot of dads are deadbeat dads. A lot of mothers are deadbeat mothers. But they call them deadbeat dads because they're not paying child support to the establishment. You know, a lot of people, *a lot of people* don't like paying child support. A friend of mine just got out of jail day before yesterday. Spent ten days in jail for child support, and he does everything in the world for his son. He just doesn't like the idea of [them] taking the money (Waller, 1996).

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[7]Furstenberg (1992) finds that parents hold shared ideas about what it means to be a "good father" and can readily distinguish social fathers who are "doing for their children" informally from those who are not. Achatz and MacAllum (1994) also suggest that fathers in the program were "put off" by the idea that parents who paid formal child support were more responsible than those who contributed informally.

These examples suggest that low-income parents prefer informal child support and help explain why many parents resist participating in the formal child support system. The remainder of this chapter explains why this preference for informal support is so strong among low-income parents.

Financial Disincentives Created by Assigning Child Support Rights to the State

Most studies find that parents receiving welfare object to the requirement that they sign over their rights to child support to the state (Furstenberg, 1992; Sherwood, 1992; Sullivan, 1992; Edin, 1995; Johnson and Doolittle, 1996; Waller, 1996). Parents note that their child support payments do not raise their children's standard of living and argue that their families' needs are not met with the "pass-through." Although these parents generally understand that the father's payment is used to offset the costs of welfare, they do not consider the regulation fair. Joe, a father Waller interviewed, suggests:

> The money doesn't go to the kid. It's not like you're buying the kids something. The money goes to them because they pay that girl some welfare. So all it is is nothing but a payback situation. You know what I mean? You're giving us money to pay back what we had to give her. It's not like you say—all right, I know this $35 will buy my son some Pampers. It ain't like that.[8]

The financial disincentives facing a low-income father can be substantial. If his children gain $35 as a result of his $200 monthly contribution, the effective tax rate is 82.5 percent. At $100 per month, the effective tax rate is still 65 percent.

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[8]The actual value of what the mother received was about $35 after her food stamps were reduced.

A strong economic disincentive also exists for a mother if she believes that her child's father will make direct contributions greater than $50 a month. Several parents Waller interviewed suggested that the value of the father's in-kind support or direct cash payments before a child support order was in place equaled or exceeded $50. Achatz and MacAllum (1994, p. 81) found that most fathers in the program they evaluated reported spending more that $50 each month on their child. Edin and Lein (1997, p. 44) also indicate that mothers on welfare reported receiving on average $39 a month in cash from fathers in addition to in-kind support. According to one Chicago mother:

> I actually discussed with him that I really don't want [to report him to child support, because I'm probably better off with him paying on the side]. It is better if he doesn't pay through them. Because they only give you $50 no matter what he pays (Edin, 1995).

Kareen, a father Waller interviewed, said:

> I'd give them triple the amount. . . . I mean I might buy a coat that cost $50. You know what I'm saying? Sneakers cost $50. You know, if I just say, I'll just pay up and don't get them nothing, then she coming out or my son coming out, with the bad end of the stick. 'Cause he might need some sneakers and a jacket. How you gonna get sneakers and a jacket with $50?

Other mothers did not think the extra $50 pass-through was worth involving the father. For example, Waller notes that although Laquana did not receive economic help from the fathers of her two children, she said she would not advise other mothers to use the child support system: "While you're on welfare, you're never gonna get the money anyway . . . the welfare people take it. You'll never get it." Instead, she suggested that she would rather not pursue any support from the father. She comments: "I don't even bother with them. I just gave up."

Responses to Financial Disincentives

The economic disincentive created by assigning child support rights to the state often leads mothers and fathers to work out cooperative arrangements to circumvent the perceived penalty. The fathers Waller interviewed said they often gave priority to their children's concrete needs for such provisions as clothing, diapers, and food rather than to child support payments. Pointing to children's material needs, Yusef refers to child support payments as a "waste":

> because you wind up doing for your child anyway. Why you have to pay somebody to take care of your child when you still have to take care of your child anyway? You know what I'm saying? You think that I pay the city so much amount, like $200, $300 a month, but I still have to get shoes and clothes and stuff.

Many fathers indicated they could not make regular child support payments and contribute directly to their children. Therefore, some fathers tried to provide for their children's needs while keeping child support enforcement at arm's length by making sporadic payments to the state. Others decided to ignore the child support order and give things directly to their children when they had extra income. As one father in Sullivan's (1992, p. 16) focus group stated: "She wasn't seeing nothing. And my son wasn't seeing nothing. So I wasn't paying nothing."

Mothers also resisted child support regulations to continue receiving financial assistance directly from the father. Edin found that about half of the mothers she interviewed engaged in "covert noncompliance" or gave "false or misleading information to child support officials" to avoid identifying the father and establishing a support order.[9] She notes the

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[9]Recent implementation of hospital-based paternity establishment and heightened enforcement of penalties for noncooperation and nonpayment under PRWORA will probably give parents less opportunity to evade paternity establishment regulations.

majority of mothers who received "covert" cash or in-kind payments from the father reported doing so because they could receive more through informal support. Similarly, Waller found examples of mothers not identifying the fathers to evade the child support system. Denise explains her economic motivations for doing so:

> If they start taking money from him, then we wouldn't have anything to live on. . . . I thought they would go after him for money and he would have to give money to the state that we would never see again. So, instead of giving money to the state that we would never see again, we really needed it, because, we were like on our own. So I told them I didn't know who the father was (Waller, 1996).

Waller also found that some mothers backed the father's decision to withhold his name on the birth certificate, to ignore notices to appear in court for the hearing, or to make informal payments. "G" explains that they worked out an agreement where she would withhold his name and he would refrain from signing the birth certificate if he agreed to support their child informally. He explains:

> If you put the name on the birth certificate DYFS [Department of Youth and Family Services] would come in. Then when DYFS come in the welfare come in and then that's when you go to the court system. And that's when they get you for child support. And we got that understanding, as long as I do what I'm supposed to do, the court stay out of it (Waller, 1996).

Not all women had information such as the father's address, place of employment, or Social Security number with them at the time of the intake interview. However, many women were in contact with the father and could presumably obtain this additional information. However, they did not attempt to report it to child support unless they were seeking an award. Both Waller and Edin found that by withholding some information about the father, mothers could satisfy the formal

requirements of the child support system while not actively pursuing an order.

In contrast to Edin, Waller found fewer incidents of mothers intentionally withholding information about the father.[10] Whereas Edin considers giving incomplete information "covert noncompliance," Waller notes that some of these practices constituted more passive avoidance rather than active resistance. For example, mothers in Waller's study would contact child support caseworkers only when they wanted to expedite their case or planned to leave welfare shortly before their case would come to court. In these cases, distinguishing intentional noncooperation from half-hearted cooperation is a matter of interpretation. The different findings in Edin's and Waller's studies could reflect variations between the sites where the research was conducted, including diverse enforcement practices and labor market conditions.[11]

To work out informal arrangements for support, mothers need to be convinced that fathers are making serious efforts to cooperate and contribute financially. Mothers who believe fathers are being irresponsible or uncooperative use the threat of reporting the fathers to child support authorities as a "negotiation tool" to garner informal support, induce them to be more responsible, and thereby bypass the

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[10]Half of the mothers Edin spoke with intentionally gave false information or withheld the father's name or other information about him from their caseworker. In contrast, a small minority of parents Waller interviewed said that they or their child's mother withheld the father's name. However, other parents attempted to evade the system in different ways. Waller suggests that women's strategies varied by such things as the father's location, how their case was being handled by child support, and how their caseworker enforced the rules.

[11]See Sorensen and Turner (1998, pp. 8–9) for a review of research on institutional and demographic factors associated with differences in paternity establishment rates.

formal system (Edin, 1995, p. 16). In this way, the system gives women more power in negotiating with fathers, even if they do not establish formal support orders. This unilateral strategy is pursued by mothers without the cooperation or consent of fathers.

Liza describes how mothers can use this leverage against fathers:

> I would give that man an alternative—either you're going to help me with my child without going to court, or we can go to court and take it from there. So I would advise women that are having it hard and feel that the fathers are not doing anything to take it to court and get that child support. But for the women who are having the fathers help them, I would suggest that they continue having that understanding with the father (Waller, 1996).

To avoid a child support order, the father of Liza's youngest child did not put his name on the birth certificate. When they began to argue about whether she should have an abortion and whether he would support the child, she decided to pursue an award.

> We weren't getting along that great then and he called my bluff. And you do not call my bluff. You do not tell me that you are not gonna help me with your kids. He called my bluff, and I took him up on it. And I went and filed the child support papers against him (Waller, 1996).

Several mothers Waller interviewed suggested they changed their minds about child support after they saw that the fathers were unwilling to take care of their children in the way they had expected. For example, Alicia said she initially wanted to tell her caseworker that she did not know who the father was because she did not want to "get him in trouble." When he did not offer support or see their daughter regularly, she began to reconsider. Her mother also advised her to think about the future, when her daughter will need more expensive things. She thought about how her daughter would feel if she wanted to locate her father one day but paternity had not been established. A child support caseworker suggested that the father was trying to control the money. After

considering all these factors, Alicia decided to seek child support and plans to tell the judge or hearing officer:

> I'm gonna tell them everything he did. I'll tell them, "Yes, your Honor. Every time I need help I have to get on the phone and call him. It's not like he's giving me money out of his pocket every week or anything like that. I mean the majority of the clothes, the bottles—it's all coming out of my pocket. The only thing he bought was a bassinet, your Honor, car seat, a couple bottles. Everything else you see on her back is from me and money in my pocket."

At the same time, Alicia would advise other mothers to use child support only as a "last resort." When Waller asked whether she would prefer informal support to child support, she replied:

> Yes! We'd rather not have the courts involved, but obviously he's not doing it. He's just doing it when I call and stuff like that. If he can pay for a trip to send his girlfriend on a ski trip, on boat rides, he can help us too. That's the way I see it. I feel like the jilted ex-wife here! He thinks I'm out to ruin him.

Men recognize women have the power to pursue child support and take their threats to do so seriously. Salaam observes that women who withhold information can contact their caseworker at any time to pursue child support:

> You know if you don't live up to your expectations from the agreement that you and this lady made, first thing she gonna do is run down there and say "I know so and so, I know where he work at."

Achatz and MacAllum (1994, p. 84) similarly report that to keep mothers happy and deter them from seeking formal child support orders, fathers attempt to maintain friendly relationships and make voluntary financial contributions. These informal agreements, however, seem difficult to sustain.

Some mothers who do not want the father involved with them or their children may also pursue unilateral strategies to evade cooperation with the child support authorities. Edin found that almost half of

mothers who did not cooperate with child support mentioned issues such as fear of reprisal from abusive fathers, desire for exclusive control of the child, and beliefs that they did not have a legitimate claim for support from the father. Waller also found that women may be reluctant to identify fathers if they believe that contact with them would be detrimental to their families. Lynn, a mother in Waller's study, said she initially withheld the name of the father because they had a marriage-like relationship in which he supported their family. But when the father became an alcoholic, began abusing her, and was sent to prison, she continued to withhold information about him because she does not want contact with him when he is released.

Family Conflicts Created by Mandatory Cooperation

Although the formal system gives mothers a "negotiation tool" to use against fathers, this tool can cut both ways. The following example illustrates how conflicts between parents develop when men believe women are using the formal child support system as a weapon against them. Joe, a father Waller interviewed, explains that some men interpret being called into court for child support as a hostile gesture on the part of mothers.

> They don't know that once you do that, that puts a whole distance between you and the baby's father. Now the baby's father say, "So, you want to go that route? OK. Then I'll give them $35 a month, but you can't get another dime from me for nothing. Now you never know, this guy might come across this amount of money doing this or this amount doing that. Instead of giving it to you and your child—well here's your $35. You know what I'm saying? So sometime the girl don't know and it hurts them more than it helps.

Many parents suggest that child support rules can pit mothers against fathers and create or exacerbate conflict in their relationships (Sullivan,

1992; Achatz and MacAllum, 1994; Waller, 1996). These conflicts can make already difficult parenting arrangements more antagonistic and may lead to their dissolution. The welfare system requires that mothers establish paternity for their children and initiate the process of collecting support from fathers. It also limits the pass-through. One might conclude that such requirements, which reduce the discretion of mothers, would also reduce interpersonal conflict between parents. Why, in fact, does conflict arise?

From the accounts of parents in Waller's study, conflict seems to develop in part from inadequate information and prior feelings of distrust between the parents (Furstenberg, 1992, pp. 41–42). First, some men do not understand that women are required to identify them as a condition of receiving welfare. Second, fathers may blame mothers for applying for welfare and creating their obligation to the state; similarly, mothers may attribute their reliance on welfare to the failure of fathers to support their children. Third, parents may not understand that the state keeps all but $50 of the child support payment. This misunderstanding leads some women to believe that men are only paying $50 and some men to believe that women receive the full payment and spend the money on themselves. Fourth, women sometimes have room to maneuver within the system and can decide how vigorously to pursue child support. When faced with child support orders, fathers may choose to withhold support or restrict contact. Finally, the economic demands put on poor fathers by child support, particularly when these fathers build up large arrearages, further strain their relationships.

Formal Payments Versus Direct or In-Kind Payments

All studies that included interviews with fathers suggest that they often do not comply with child support regulations despite their belief that they have an obligation to support and be involved with their children. The studies also indicate that community beliefs recognize in-kind contributions as valid expressions of this paternal obligation and that the majority of fathers make informal monetary or in-kind contributions. Edin finds that most of the mothers getting direct support from the father received in-kind, informal contributions such as diapers, clothing, shoes, and gifts rather than cash payments.

In addition to believing that children benefit more financially from informal support, parents describe strong emotional grounds for this practice. Waller found that because parents believe fathers should provide support out of a sense of love and responsibility for their children, formal child support represents a "forced" payment rather than an authentic expression of paternal love. A father in Waller's study points out that children have difficulty comprehending child support, particularly when it is an add-on to the mother's welfare check.

> It would be a whole lot better for the kid, for the dad, for the mother, if the money was coming straight from him. . . . The child would understand, 'cause eventually the child as it gets older knows what child support is. Knows that his father ain't been around. So it's like, "Damn. My father don't buy me nothing, but he pay child support." Who wanna say that? What kid wanna grow up knowing—well my father pay child support but he don't buy me nothing. . . . A child would rather have his father bring him five pair of jeans and some sneakers and some shirts than a check in the mail . . . the material stuff, [at] a child's age is a whole lot more than paper. . . . It would show more love.

Achatz and MacAllum (1994, p. 76) also suggest that men believe that child support deprives them of an important part of fathering their

children. They argue that most fathers preferred to purchase items for their children because "(1) They are visible symbols of responsible fatherhood in the community, (2) they are tangible and gratifying, and (3) they give the fathers control over how the money is spent." The issue of control is particularly important for fathers who distrust their child's mother.[12]

In Waller's study, men who consider themselves responsible fathers often resent the fact that child support prevents them from dramatizing their love and responsibility for their children. The expression of this resentment often targets the state. Yusef asks, "Why do I need the government to tell me that I should take care of my child when I know for a fact that I need to?" And Darren explains, "If I know I got a child I got to do things for, ain't no need for them to tell me I got to pay such and such amount. Because I know what I got to do, and that's my job to do it, you know." A father in Achatz and MacAllum's study states: "My girl don't need to take me to court so a judge could say I gotta kick up some cash for my child. . . . There's no need for that because I'm doin' it on my own. I don't understand why the system do that" (1994, p. 75). Similarly, a father in Sullivan (p. 16) argues: "My child should not have to grow up with something in the back of his mind: 'Somebody had to force dad to give me. If only he would have freely given.'" As Sullivan notes, however, this statement may reflect a general belief among fathers that the courts should not interfere with their families.

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[12]Achatz and MacAllum (1994, pp. 76–79) suggest that some fathers come to resent the system for the unconditional trust it places in women by assigning them child support payments rather than allowing fathers to purchase things themselves. Waller also finds that men often are uneasy about how women spend the money they contribute. With in-kind support, fathers feel more assured that their contributions benefit the child.

Many women seem to agree with this assessment of child support. Mothers often regard "forced" child support as both tainted and unreliable because it does not derive from an emotional bond. One mother Waller interviewed said that several people had tried to encourage her to contact the child support office to expedite the process:

> But that's my baby. And when I do that I feel as though I'm forcing him to take care of his child, forcing him to love his child. And I'm not going to force him. I got love for everybody for that girl. And for me the way I feel to go through the system to force him to take care of his child is like he don't love her.

Responses to Mandatory Cash Support

Some parents jointly avoid participation in the formal system because of their belief that child support enforcement undermines their efforts to establish cooperative parenting arrangements based on emotional commitments. Waller and Edin report accounts of some mothers who worry that child support would introduce animosity and they would risk losing the emotional involvement, guidance, and child care that the fathers provide. Marion lived with the father of her children before he was sent to prison and plans to marry him after he is released. After describing the kind of work her boyfriend does around the house and his substantial involvement with their children, she suggests:

> [In many cases] it's a good idea. But in many cases, it's not a good idea 'cause it will cause a conflict between you and the baby's father. Right now welfare is trying to take him to court for child support. But what it all boils down to is if he's going to be here with me, I'm getting more out of him being with me. It might not be exactly financially, but as far as raising the kids, you can't put a price on that. So, I'm getting more out of him being here, than not being here and trying to pay child support.

Similarly, in Edin's study one mother stated:

> It's nice to have them contribute financially but if they're only going to contribute financially and they are not going to be a father [then] you are not winning. If he gives you money for a child and he's not going to be a father, the child is losing. If [he] can't give, you is still getting a father, you know what I'm saying? The parenting part of it. And [with] Public Aid, that is something they take away from you (1995, p. 19).

Compulsory cash payments sometimes foster resentment and distrust that may be directed at the other parent. In such cases, we observe unilateral responses rather than the bilateral strategy of nonparticipation. Tricia, a mother Waller interviewed, describes how her daughter's father began to direct his resentment about child support at her by withholding informal contributions. She did not want to pursue an award, but after child support enforcement contacted the father, he became less trustful of her. When he was ordered to pay less to the court than he had given informally and she asked him for the difference, he refused. Not all mothers experience a real economic loss, but others mention that securing support through the formal system may create conflict when the fathers begin paying child support and stop doing the "extras" for their children.

Fathers often see the situation from a different perspective. For example, Salaam describes his dilemma: if he pays child support, he cannot afford to buy things that his children request. As a result, he feels guilty and avoids spending time with them. He also believes that his child's mother may spend the money on herself. If he provides in-kind support instead of making child support payments, however, he risks arrest. He claims he has already been arrested three times for failure to pay support. Recounting a conversation with his mother and sisters about this, he explains:

> My mom and them are like this: "Why don't you stop buying them stuff? The courts can handle that. Whatever you decide to buy them, take that

> money down there to the courts." But it still gets to the point of: what about my kids? 'Cause, you know, kids can talk. Kids can walk up and say, "Dad can you buy me this?" And they know if I can afford it, they know I'm supposed to get it for them. But then if I be like "Uh uh, I can't get that. Your mom's supposed to take care of that. . . ." Then the kid be kind of upset and then it distracts you. It makes you feel bad to tell one of your childs [that] when you know you can get it for them.

Finally, there is some evidence that requiring fathers to make cash payments reduces their motivation to work in the formal sector. A father Achatz and MacAllum interviewed describes why in-kind contributions may increase men's desire to work and to buy things for their children, whereas formal child support may reverse those incentives:

> When the baby first came, I didn't have no job . . . no income, so I wasn't a good provider at first. But then when I got me a job and started buying things for the baby, like little outfits and stuff, and I seen the baby wearing them, well, that really got to me. . . . I wanted to work even harder so I could give her more. . . . But then when the government started taking all my money for the so-called child support, I didn't have any change left over after paying all my bills to buy anything for my child—and like it just made me feel less like a father. . . . My daughter don't know that I pay the government for her support. . . . She gonna grow up thinkin' I'm a deadbeat father because I don't buy her nothing. . . . After I found out how that child support worked . . . it just made me feel like not working harder because the government just takes that extra money for themselves. . . . That system they got . . . don't make any sense to me (1994, p. 78).[13]

Here the father's assertion—that "the government just takes that extra money for themselves"—is less a critique of child support as such than an expression of frustration with this particular rule. At the same time, this frustration has policy implications if, in fact, it results in fathers working less in the formal sector.

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[13]Two quantitative studies (Klawitter, 1994; Freeman and Waldfogel, 1998), however, find little evidence that child support payments affect men's work effort in general. The quote may be from a man whose work decisions are unusually sensitive to child support incentives or who faced extremely large work disincentives. We would simply observe that although most men's work effort is insensitive to child support incentives, in some cases work effort may be adversely affected.

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Problems Created by Enforcement Practices

After support orders are established for low-income parents, concerns about enforcement come to the fore. Studies documenting the responses of low-income women suggest that they often view the child support system as ineffective and unresponsive (Furstenberg, 1992; Edin, 1995; Waller, 1996). Furstenberg found that women commonly objected to the inefficiency of the child support system, including the difficulty of filing a claim, the inability of the system to collect payments from men, the inability or unwillingness to pursue men who evade the system, and the impersonal nature of the child support agency. Mothers were frustrated that they could not to talk or write to anyone in the child support agency about these concerns and had little confidence that they would be addressed (1992, pp. 52–53). Edin and Waller also found that mothers expressed frustration about their cases being held up in the child support system. One mother talked about attempting to update the child support agency when the father moved, started working, or changed jobs, often to no avail.

> I have been trying to get child support from [the OCSE] for three years. I filled out everything. I got all the information. They made it seem so difficult. I got them all the information. I called [and left messages for] that [agency] man every day last week. He never called me [back]. We have been waiting for a court date for three years [for my oldest child's father]. Every time I call that [agency] man he lies to me (Edin, 1995, p. 9).

Low-income fathers object to the system's inability to recognize or respond to their economic circumstances. Many fathers of children receiving welfare—particularly young, never-married fathers—have low skills, lack stable employment, and may not have sufficient income to pay child support without further impoverishing themselves or their families (Mincy and Sorensen, 1998; Garfinkel et al., 1998; Sorensen

and Turner, 1998). This pattern contrasts with the model of most child support legislation, which assumes families with divorced fathers working full time. For example, awards for unemployed fathers may be based on imputed income assuming full-time work at the minimum wage. As Sorensen and Lerman observe, enforcement tools assume that all noncustodial fathers can afford to pay child support but are unwilling to do so (1997, p. 4). The data raise serious questions about the validity of this assumption.

Men talked about problems with paying regular support when they had irregular employment. Waller found that many African-American fathers mentioned the difficulty of finding a job in Trenton, particularly when they had not finished high school, were unskilled workers, had little job experience, or did not own a car. Because their jobs were often part-time, temporary, or low-paying, they found it difficult to make child support payments and meet their own basic expenses at the same time. Fathers with obligations to more than one family had difficulty managing their obligations successfully (Furstenberg, 1992; Sullivan, 1992). When fathers could not make their payments and had no hope of paying off their arrears, many felt they were in an impossible bind (Sullivan, 1992; Waller, 1996). Yusef comments on how he and his friends think about this:

> A lot of fathers are just getting fed up with the situation. They be like, boom, if I'm still looking after my kids and I still have to pay the government so much money a week and still support myself, you ain't gonna do it. . . . How can you, on a simple job out here, how can you support yourself plus pay for your kids that way, plus still have to do for your kids and maintain yourself in this kind of environment? (Waller, 1996.)

In other cases, fathers faced large arrearages as well as the interest that had accrued on these arrearages during periods of nonpayment.[14] Child support awards are often set retroactively rather than when paternity and the child support order are established, which may be years after the child has been born and received assistance. An award usually does not consider direct support given to the child before the award was set or the father's income at that time (Sorensen and Lerman, 1997; Sorensen and Turner, 1998; Roberts, 1999). As a result, fathers often have child support debts for periods in which they lived with their child's mother and helped support the household (see Roberts, 1999).

When fathers receive notice of their child support obligations or begin to pay back their debt, they are often thousands of dollars in arrears. Sullivan recounts the experiences of one father who built up arrearages while he was in jail:

> When I was doing time, there was no other means for my wife with the kid. At the time, to get support was to go to welfare, and that's what she did. A certain amount of time went by, ten years or better, I got a letter from welfare stating I owed them so much money. I never answered the letter. It was a couple of thousand dollars and until today I haven't gotten bothered yet. When it does happen, I don't know what to do (1992, p. 27).

Unemployed fathers argue that the child support system makes little effort to consider their circumstances. They maintained that they could barely meet their own survival needs while out of work and were incredulous that they would accumulate large arrears if they could not pay during such times (Johnson and Doolittle, 1995; Waller, 1996). Unemployed fathers Waller interviewed asked rhetorically, "How are you expected to survive?" Salaam suggests, "They don't understand that you

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[14]As mentioned above, fathers with arrearages could be ordered to pay up to 50 to 65 percent of their income.

have to pay rent or you might have to find somewhere to eat or sleep." In the course of a four-hour interview, Salaam spent much of the time talking about his frustration about the job market.

> This is a big problem, I don't see where they coming up with making us pay child support [without a job]. I mean, give us something to do. Give us a program or something to get into. That way we could learn and work at the same time. . . . Give us something to do, there's plenty to do if they take the time out to allow us to do it. I mean, everybody that's out there on the street doesn't want to be out there. And everybody ain't bad. But just by standing out there long period of time, you get a tendency of falling into trouble. If we was at work eight hours a day, I'm pretty sure we would be so tired we would go into the house, sleep, and wait until the next day of work. I would *love* to have a job.

Interviews with fathers suggest that enforcement practices that assume fathers are absent from the family may also undermine relationships between unmarried couples. O'Shen explains that in his last run-in with the child support system, he was working a night shift at a local hospital when he was arrested for an outstanding warrant for child support. He subsequently lost his job. Describing the hearing, he says:

> Do you know that judge stood in front of my face and told me "I don't care where you live at, you better move back in with your mom, 'cause I'm taking half your money." He got no right to tell me that. You know what I'm saying? If I'm living with my kid's mother, I got a roof over my kid's head. You should have said, "damn if you're still with her and you're living with her and helping your kids out, well, OK. . . ." 'Cause you're not making no money like a doctor or lawyer so that somebody can take half your net pay. Heck no, come on man.

O'Shen explains that he fell into arrears during a time when he lived with his children and most of his income went to purchase things for them and to pay for household expenses.[15] He adds that he eventually did move back in with his mother.

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[15]Presumably, the mother of O'Shen's children did not report this informal support to the welfare agency.

As this last interview suggests, the enforcement process can cost some fathers their jobs. Jake claimed that he lost his job when child support began to enforce wage withholding, because his employer did not want the hassle: "When it first started getting strict, I had a job at a body shop and they called the people and told them they were gonna garnish my wages. I lost the job just like that." Although it is against the law to fire noncustodial parents because of wage withholding, Jake, like other fathers, believed this commonly occurred.

Another important issue that fathers mention frequently but is not part of the enforcement process is concern over visitation rights. As Achatz and MacAllum note, fathers did not understand that child support orders do not formalize their rights to see their children (1994, p. 88). Johnson and Doolittle explain that many fathers perceive the court to be extremely biased toward women: "In some cases, they state they do not even get to see their children when they have established visitation or allege that the custodial parent is not taking proper care of the children or not using the support she does receive" (1996, pp. 27–28). The fathers they spoke with suggested that they were given less access when they could not offer economic resources. Sullivan, Waller, and Furstenberg also note problems men report with mothers blocking access to their children.

Fathers employ various strategies in response to regulations that they perceive to be inflexible and unfair. Fathers in Waller's study often say they would advise other men in this situation to follow their strategy of paying just enough to avoid harassment or incarceration.[16] Sullivan also

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[16]Although we focus on men's responses to child support enforcement, Edin and Waller suggest that women were also sensitive to the pressure enforcement practices put on fathers. As noted above, they considered the effect on fathers when deciding how to

found that insensitivity to men's unstable economic circumstances discouraged cooperation with child support. When fathers feel intimidated or overwhelmed by child support enforcement, they may ignore child support orders and accumulate substantial arrearages (Sullivan, 1992; Waller, 1996). Waller (1996), Johnson and Doolittle (1995), and Furstenberg (1992) document reports that fathers may quit jobs when they discover how much of their income was garnished. Achatz and MacAllum (1994) found that some fathers who reduced work in the formal economy tried to generate more income in the underground economy through under-the-table jobs, selling drugs, stealing, and gambling.

The second major objection from fathers to the enforcement process is the threat of criminal sanctions. Fathers believe that heightened enforcement efforts have been directed at nonresident fathers indiscriminately, regardless of their effort to support or be involved with their children. Others believe that the system is more likely to penalize fathers working in the regular economy than those who have gone underground. Some fathers believe that the state is targeting low-income African-American fathers for imprisonment rather than prosecuting higher-income fathers who are able to support their children. Robert, a father who previously lived with his children and has a cooperative parenting arrangement with their mother, resents being pursued for formal child support, saying "It's ridiculous. . . . I wouldn't say that 'cause they cracking down on these fathers that are not supportive. They cracking down on the fathers that are supportive."

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negotiate the child support system and sometimes chose not to cooperate for this reason. At the same time, Waller and Furstenberg also note incidences of mothers favoring tougher enforcement.

Vincent, a father recently released from prison, remarks:

> The jails are full of these guys for child support, and it's the craziest thing. And it's counterproductive, because you have these guys—they're practically living on nothing. You lock them up for child support. These guys who are already living on the edge, living in a terrible neighborhood, working a horrible job. And then they get put in jail because they fall behind on their child support.

Fathers also remark that if they did not have enough money to come up with a payment sufficient to keep them from going to jail, they would not have the money after serving time in prison. Vincent believes that child support turns men into fugitives, which results in a loss of contact with their children. Waller, Sherwood, and Johnson and Doolittle all document concerns about using imprisonment as an enforcement tactic. But Johnson and Doolittle (1995, p. 27) note, "The perceived importance and likelihood of jail often is greater than justified in a statistical sense by its frequency."[17] Exacerbating these problems is the fact that many low-income fathers are unfamiliar with child support regulations, do not have legal representation, and do not feel that they have "had their day in court" (Furstenberg, 1992; Sullivan, 1992; Achatz and MacAllum, 1994; Johnson and Doolittle, 1995, p. 27).

Jason's plight illustrates the pressures on poor men created by the combination of the enforcement process's insensitivity to economic circumstances and the threat of imprisonment. He explains that since losing his job, he has been unable to make his child support payment of $50 a week. He is temporarily homeless, moving from one low-rent hotel to another and supporting himself with a string of under-the-table jobs. For seven years, he either gave his daughter $35 or provided in-

[17]Almost one-quarter of fathers in Waller's study said that they had been arrested on child support charges. Doolittle and Lynn (1998) note that many noncustodial fathers held in jail on charges related to child support were picked up for other violations.

kind support each week before her mother went on welfare. The character of the situation changed from cooperation to coercion once he lost his job and was ordered to make payments to the state.

> Now I have no choice. And they're like, if I don't, they threaten you. They say, "If you don't do it, we'll put you in jail. Deadbeat dad." I know that's what they say. And I say, "I'm not a deadbeat dad. I try to do my best. I try to earn as much money as I can. And I try, I love my daughter with all my heart. But I can only do what I can do. I can barely support myself as it is (Waller, 1996).

Fathers also pursue unilateral responses to criminalization. Fathers who have not been able to make their child support payments said they faced the choice between getting money illegally and going to jail (Waller). Kareen's somewhat hyperbolic statement illustrates how child support can have the unintended effect of pushing fathers into the illegal economy.

> It's hard to get a job, you know. But these people [child support] still saying you got a child, you got a child, you got to take care of them, you got to bring us such and such money a week. Where you gonna get that money from if you ain't got no job? Then you got to turn around and rob and steal and kill. You know what I'm saying? Taking this money keep your behind on the street. You know what I mean? That's like squeezing blood from a turnip, water from a rock. How can you do that? (Waller, 1996.)

Kareen adds that he has been picked up on outstanding child support warrants six times and "I keep telling these people: 'Look, I ain't working nowhere. You keep locking me up, then y'all ain't never gonna get the money.'" He attributes his problems in finding a job to economic changes that had affected many Northeastern cities such as high levels of unemployment for men without a high schoo' diploma and the decline in the number of jobs for lower-skilled workers in inner-city neighborhoods. According to fathers' accounts, child support magnifies these problems and puts men like Kareen in a difficult bind:

> It's crazy. You got 5,000 men and only 1,000 of them got jobs . . . that's entrapment if you ask me. You know he gonna come back to jail 'cause he ain't got the money to pay you. He might get himself locked up and then he might get out. Within a couple months he gotta come right back 'cause like I told you, the job market is slow. Certain jobs want certain skills. And obviously you got the record, the record gonna look bad (Waller, 1996).

Problems with the Modification Process

The employment situations of nonresident fathers often appeared to be unstable and changeable. Fathers said they needed more flexibility when they were out of work or incarcerated. They often did not know that their orders could be modified downward or how to arrange such modifications (Johnson and Doolittle, 1995, p. 36). Many were unaware that they should report changes in income or employment (Achatz and MacAllum, 1994, p. 94). The expense and time involved in going through the court proceeding may also deter fathers from modifying orders (Sorensen and Lerman, 1997, p. 6).

A father Sullivan interviewed talked about the difficulty of modifying the child support award after he changed jobs and his income decreased:

> I am making less money than the first time. I went and said: "Can you cut it down?" I showed them papers. "These are my expenses." All they said was: "You still have to give us this amount of money. . . ." It could have been difficult to eat, and these people knew exactly what I was making, but they still wanted the money (Sullivan, 1992).

A Case Study

One case in particular portrays how several features of the formal child support system interact with the situations of poor fathers and welfare requirements to place fathers in very difficult circumstances. This case, from Waller's research, illustrates difficulties faced by fathers in

other studies as well (Achatz and MacAllum, 1994, p. 85; Johnson and Doolittle, 1995, pp. 26–27).

Brian explained that he lived with the mother the first year after his son's birth and paid for most of the family's expenses. After they broke up, he was called into family court and discovered that she had been collecting welfare at her mother's address. As a result, he had accumulated arrears for child support during the time they lived together. A child support award was also set for his older child at this time. Although he said that he tried to explain that he had been paying the expenses, and now gave both mothers $50 each month, the court disregarded evidence of support such as copies of bills he had paid and money orders:

> They said they didn't care nothing about that. That wasn't court ordered. . . . I had everything stapled together, like I had them in a big box. And I took the shoebox up to the guy and I had all the receipts in it. He said "that's not court ordered. I don't care anything about that."

Like other fathers who assumed that the court would recognize their contributions to their children, particularly when they were documented, Brian was shocked to find out that his support was irrelevant in the eyes of the court.[18] When asked what he thought about the child support system, he replied:

> I think the system's no good. [For] the father that's really trying the hardest, it's not a good system at all. I mean it's good for the father that's not trying, but for the father that's trying, it's not a good system. I'm not trying to run

[18]Johnson and Doolittle (pp. 26–27) report many men were told that these were considered gifts rather than support payments by the court and therefore would not be counted. They also note that in several sites where they conducted research, men who had made informal contributions could be "locked down" until a sufficient payment was made. Achatz and MacAllum (p. 85) also report that because almost all of the men they interviewed had contributed something to their children at some point, "nearly all expected to get some leniency or credit for having provided informal support."

> from it. You know, I'm here. But they're making me run. It's like they're giving me no other opportunity but to say: "OK, fine. I'm gonna be a criminal." Now I look at some of the guys out there selling drugs, like I know why they're doing it. But a couple things keep me from that. It's because of my mother and my father. And I don't want to get tied up in that. And I'm trying my best, but it's not working out.

Brian felt that child support enforcement is more likely to catch the fathers who work in the formal economy (rather than, for example, drug dealers) because they can identify them through their Social Security numbers. Pulling out his pay stubs during the discussion, he showed that 50 percent of his paycheck is now garnished for child support. After he recently lost one of his two jobs, he said he went back to court to modify an award. However, he was told that he was responsible for losing his job and that his request would be denied. After raising his voice in court, he was also jailed for contempt.

> Then the guy told me that the reason why I lost my job was my fault. I shouldn't have lost it. You know, I was working two jobs, two full-time jobs. I didn't have enough time to sleep between each job, so I always had a cold or something. When I was trying to explain that in court, he cut me off. And he said, "That's not our problem, that's your problem" (Waller, 1996).

Although Brian's case may seem extreme, Achatz and MacAllum also note that "a popular misconception among young fathers whose children receive AFDC is that if they have receipts to show that they had voluntarily contributed to their children's care, the *mothers* cannot claim back child support (1994, pp. 85–86)." A few men they spoke with came to their hearings "with a shoebox full of receipts in tow." They recount the story of one young man who tried to tell the judge how much he and his family had been contributing to his child during which time he had built up substantial arrears. While the court believed the mother who said he had not been helping, he said he was told: "Quiet, son. We don't wanna hear about that. We just want you to answer these

questions we got here on this paper." He explains how this situation made him feel, "I hated them. . . . I hated my baby's mom. They was all like making it look like I'm bad . . . like I'm some low-life father that ain't never did nothing for his child" (1994, p. 86).

If Brian and the mother had opened a child support case when their child was born, his difficulties might have been avoided or minimized. Many parents believe, however, that informal agreements better meet their family's needs. In Brian's case, the formal system's refusal to count informal and in-kind support, its insensitivity to his precarious economic status, its threats of criminal sanctions, and its refusal to modify his order led to a highly stressful situation. Unable to pay his rent, Brian now says that he is being threatened with eviction. He feels he has few options and has considered trying to get fired, changing his name, or selling drugs. In desperation, he says he has even considered suicide. As tension between him and his child's mother has increased, Brian has also begun to withdraw from his children's lives.

4. Conclusions and Policy Options

Although recent legislation may improve the system's administrative capacity and effectiveness, any comprehensive strategy to improve performance must seek to increase parents' willingness and ability to comply with the state's child support rules. The case study evidence suggests a mismatch between child support policy and the experiences of low-income parents. Like more affluent parents, many unmarried low-income parents prefer to negotiate private agreements for support. These parents often believe that participation in the formal child support system detracts from their children's well-being, exacerbates conflicts between parents, unduly burdens poor fathers, and punishes them indiscriminately. They typically endorse state-regulated child support only when it is necessary to force irresponsible fathers to take care of their children after private arrangements have broken down.

Although the self-reports documented in these studies may overstate the willingness of noncustodial parents to support their children, the fact

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remains that many parents are reluctant to participate in the formal child support system. Their views also help explain why the system is not more effective for families whose children are receiving welfare. We draw three main conclusions from these self-reports.

- Many low-income, unmarried parents prefer informal arrangements of support, including in-kind contributions from the father, because they believe these arrangements benefit their children and their families.
- Parents often do not comply with child support laws and regulations that they perceive to be unfair, counterproductive, or punitive. These include the assignment of rights to child support to the state, large awards relative to the noncustodial parent's income, and the threat of imprisonment.
- These parents face social and economic realities, such as low wages and unstable employment, that make it difficult for them to comply with existing policies even when they wish to do so.

We believe the child support system would gain greater compliance and legitimacy in the eyes of low-income parents if these parents perceived it as beneficial to their children and supportive of their efforts to negotiate economic agreements.

These conclusions do not point directly to obvious policy solutions. Indeed, the perceptions of low-income parents are often at odds with the objectives and political realities of child support policies, which are based more on the experiences of middle-class families.[1] For example, low-income parents believe that support payments should increase their

[1]The current goals of child support policy for families receiving welfare may also conflict with *each other*. Because families on welfare cannot attain financial security with the current level of benefits, the goal of reducing public costs by substituting private child support for welfare conflicts with the goal of increasing children's financial security.

children's standard of living, whereas the pass-through regulation rests on the principle that the welfare system is responsible for support only when parents' earnings do not meet the state's minimum standard. Under the latter view, child support payments should be used to offset TANF costs.

Other conflicts include:

- Parents want in-kind support and involvement to be taken into account for emotional reasons and because they believe these are important for their children's well-being. Documenting such support, however, increases administrative costs and difficulties.
- Low-income parents want to negotiate private agreements because they believe it encourages cooperative parenting and paternal involvement. Current policy demands formal agreements and tough enforcement to ensure that noncustodial parents do not shirk their responsibilities to their children or the state.
- Low-income, noncustodial fathers would prefer a more flexible enforcement and modification process without criminal sanctions. Policy has moved toward reducing administrative and judicial discretion, establishing uniform rules for all families, bureaucratizing the system, and strengthening sanctions.

These conflicts and others raise a difficult question. Which reforms, if any, are likely to increase compliance, adhere to consensus policy goals, and acknowledge and respect the efforts and constraints of low-income unmarried parents? We consider several reform options and how well they answer this question. All of these proposals have been implemented—either in California or elsewhere—or are currently under discussion.

General Changes

Raising the Pass-Through

According to case study accounts, some low-income parents believe that the child support system does not adequately recognize fathers who are making an effort to support their children through participation in the formal economy or through parental involvement. We infer that the system could gain more legitimacy if it more tangibly rewarded fathers who made formal child support payments.

Following recent Wisconsin policy, California could pass through all of the support order collected from a noncustodial parent and disregard it when calculating the welfare benefit. The effective tax on a father's contribution would fall to zero. This policy would increase both parents' incentive to participate in the formal child support system and reduce the incentive to engage in under-the-table payments.[2] At the same time, such a policy would have little effect on fathers who wish to provide in-kind support either for symbolic reasons or to exert greater control over expenditures. Moreover, it encourages families to remain on welfare as long as possible, within time limits. California could also raise the pass-through from the current level of $50 per month; this option modulates both the advantages and disadvantages of complete pass-throughs.

Complete or larger pass-throughs would represent a significant change in emphasis for current policy goals. Enforcement would de-emphasize recouping TANF costs from noncustodial parents and focus mainly on transferring private income to help reduce poverty and improve the material well-being of low-income custodial parents and

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[2]See Primus and Castro (1999) for further discussion of this option and the next one.

their children. By inducing fathers to contribute more to their children's well-being, this approach would also foster positive emotional ties among family members. With TANF's five-year limit on welfare receipt, the cost to the state of higher pass-throughs would be lower now than in previous years.

Some states have decided recently to eliminate the pass-through altogether. This measure is likely to increase resentment among low-income parents and decrease their willingness to participate in the formal system. Such policies may prove counterproductive and actually reduce the amount of TANF funds recouped from noncustodial parents.

Supplementing Parents' Child Support Payments with Public Funds

Besides increasing the pass-through, California or the federal government could provide other incentives to supplement formal payments from fathers. For example, fathers could be allowed to file for the Earned Income Tax Credit even though they are not living with their children. The state could also match support payments made by low-income noncustodial fathers and phase out those matching funds at higher-income levels. Supplements, like a larger pass-through, would help reduce poverty among low-income custodial parents and their children. The main drawback of supplements is that they would increase the public cost of the child support program.

Establishing Child Support Assurance

Child support assurance would guarantee a publicly funded minimum support payment each month for all children for whom paternity has been established. This measure would help stabilize the

incomes of low-income, single-parent families (Garfinkel, 1992). The promise of a stable income for their children will be particularly valuable for women who are close to reaching or have already reached their time limit on TANF or whose co-parents fall behind on payments because of irregular employment or financial emergencies.

A child support assurance system would almost certainly be less stigmatizing than welfare, particularly if it were a universal program and not targeted only at welfare recipients. Parents who do not receive welfare currently have much more discretion in the system than IV-D cases, where participation is mandatory. Eliminating this two-tier system would increase the legitimacy of the child support program for low-income parents. A field test in New York of targeted child support assurance resulted in net government savings because the cost of public assistance benefits dropped more than administrative costs grew (Hamilton et al., 1996).

A universal child support assurance program would best promote child well-being but could be more expensive than a targeted program. Like the current pass-through rule, assured support also reduces the incentive for fathers to pay child support. Fathers' payments would offset the assured benefit received by his family, and, therefore, the total income available to his children would not increase.

Helping Noncustodial Fathers Negotiate the Entire System

Parents' Fair Share (Doolittle et al., 1998) and similar programs attempt to increase both the earnings of noncustodial fathers and their involvement in their children's lives. The programs provide:

- Employment and training services,

- Peer support sessions, which help men deal with paternal responsibility and establish sustainable co-parenting arrangements,
- Information on how the system works, including guidance on modifying orders, avoiding or managing arrearages, and establishing paternity, and
- More intensive case management.

The emergence of these programs, the interest they have generated in California and elsewhere, and their increased funding and political support all reflect a growing consensus that fathers (and not just mothers) of children on welfare need help to achieve economic security for their families. Successful programs might focus on bringing new fathers into the system early and helping them avoid large arrearages. Early evidence about Parents' Fair Share shows some success in increasing formal payments but not in increasing fathers' employment and earnings (Doolittle et al., 1998).

This option merits serious consideration. It honors the broad public interest in parental obligation and effective enforcement even as it acknowledges the social and economic realities that shape low-income parents' responses to the current system. In this sense, it does not conflict with or create tradeoffs between major policy goals. The key caveat to this option is that a clearly successful program design has not yet been identified. California and other states will need to experiment with alternative program models to learn which ones have the best chance of success.

Specific Changes

Setting Awards as a Realistic Percentage of the Noncustodial Parent's Income

The support payments required of low-income fathers can often be high percentages of their incomes. Unable to make full or even partial payment because of low wages, unemployment, reduced work hours, or other emergencies, fathers often said they built up overwhelming arrearages. They frequently did not know how to modify awards to take account of declines in their income or had great difficulty doing so without adequate knowledge or legal representation. By falling behind on payments they sometimes faced the threat of imprisonment.

Setting child support orders as a realistically modest percentage of a low-income noncustodial father's income and modifying them automatically (e.g., monthly) would help with these problems.[3] Although initial payments might be low for many young fathers, their incomes (and thus, their payments) would be likely to grow over time. Moreover, noncustodial fathers would be more willing and better able to maintain their payments if they were quickly adjusted to reflect changes in income. This change would also decrease the likelihood that fathers would accrue substantial arrearages and reduce the threat of criminal sanctions. One potential drawback is that this change might encourage fathers to reduce their work effort, shift part or all of their work to the informal sector, or report low or zero income in an effort to reduce their support obligations. Administering a system with this high degree of flexibility may also prove difficult.

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[3]For example, Primus and Castro (1999) suggest a cap of 5 percent of net yearly income up to $5,000, 25 percent for the $5,000–$10,000 range, and 35 percent above $10,000.

Forgiving or Limiting Arrearages

Because fathers identify large arrearages as a key deterrent to participation in the child support system, the state could offer a one-time amnesty to fathers who have accumulated large debts to the state. Amnesty would be contingent on future compliance with support orders. Alternatively, the state could limit the size of arrears and thus preclude the need for amnesty (Roberts, 1999). In particular, states could cap the amount of arrears that a low-income obligor can accumulate, suspend accumulation of arrears whenever an obligor is incarcerated, or limit the amount of retroactive awards when a support order is first entered or when noncustodial fathers first receive notice of support obligations. Arguments against limits and amnesty include the loss of state revenues, the perception that such measures are unfair to compliant fathers, and the chance that fathers will shirk their obligations if they know that such measures will reduce their cumulative support obligations.

Recognizing Informal Support

According to the case study literature, fathers sometimes arrive at court with receipts showing proof of in-kind or monetary payments to the mothers for support of their children. Others said they lived with the mother and paid major expenses such as rent. In cases where such contributions are well documented, the court could use them to offset arrearages accrued before formal orders were established or consider them in determining current orders. Given changes in family formation, particularly the increase in cohabitation, greater consideration could be given to fathers' contributions in these informal unions. If fathers are living with their partner and child and have contributed a significant amount to their support, child support orders could be reduced. This

policy would encourage co-residence of parents and promote child well-being.

There are several potential problems with retroactive credit. First, mothers who did not report these sources of income could face charges of welfare fraud. Second, fathers might delay establishing paternity while paying off-the-record. (Should formal paternity eventually be established, fathers could document off-the-record support and face smaller arrearages.) Finally, adjudicating claims of prior off-the-record support may be difficult and expensive for the state.

Because of the complexities of these problems, no single option is likely to be a panacea for California's child support program. A thoughtful combination of several reforms is more likely to yield improvements. With a new Department of Child Support Services, state policymakers have an opportunity to review the goals of the child support program in light of welfare reform. We believe that the challenge lies in developing policies that honor the public interest in effective enforcement *and* address the social realities that shape low-income parents' responses to the current system.

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About the Authors

MAUREEN WALLER

Maureen Waller is a sociologist with research interests in poverty, the family, culture, and social policy. Her current research draws on information from qualitative interviews and from the Fragile Families and Child Wellbeing Study to investigate factors associated with stable romantic and parenting relationships among unmarried parents. Her previous work examines how unmarried parents receiving welfare interpret paternal responsibilities and reconcile informal support with welfare and child support regulations. Her research has been supported by the National Science Foundation, Princeton University's Center of Domestic and Comparative Policy Studies, and the Orlandella/Whyte Urban Field Research Award (from the Eastern Sociological Society). She holds a B.A. in political science from the University of Dayton and an M.A. and Ph.D. in sociology from Princeton University.

ROBERT PLOTNICK

Robert Plotnick is an adjunct fellow at PPIC and a professor of public affairs and social work, adjunct professor of economics, and director of the Center for Studies in Demography and Ecology at the University of Washington. He is also a research affiliate of the Institute for Research on Poverty at the University of Wisconsin, Madison. He has published widely on poverty, income inequality, income support policy, teenage childbearing, and related American social policy issues. He received his B.A. from Princeton University and his M.A. and Ph.D. in economics from the University of California, Berkeley.

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Child support has become a pressing policy concern in California. Single parents now head more than one-quarter of the state's families, and over three million children in California are eligible for child support from noncustodial parents. Despite its goal of preventing poverty among custodial parents and their children, California's child support system is widely criticized. Its shortcomings, many of which are shared by other state systems, have prompted creation of a new state department for child support services and numerous proposals for policy reform.

In this study, Maureen Waller and Robert Plotnick pose a key question: Why does the child support system break down for so many low-income families? Their answer, based on interviews with unmarried mothers and fathers across the country, starts with the observation that most child support legislation presumes economic and social arrangements that do not match the experiences of many low-income parents. Faced with this mismatch, many low-income parents prefer informal arrangements to full compliance with regulations that they perceive to be unfair, counterproductive, or punitive.

After describing the child support system and its effects on low-income families, Waller and Plotnick consider reforms that have been implemented recently or are currently under review. The authors conclude that a major policy challenge is to develop a child support system that honors the public interest in effective enforcement *and* considers the social realities that shape low-income parents' responses to the current system.

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